

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>RUTH WALDEN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 13-cv-624-CJP<sup>1</sup></b>
	)	
<b>CAROLYN W. COLVIN,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

**PROUD, Magistrate Judge:**

This matter is now before the Court on the parties' Joint Motion for Entry of Judgment with Remand Under Sentence Four of 42 U.S.C. §405. (**Doc. 29**).

There are two avenues for remanding a social security case. Remand can be ordered pursuant to sentence four or to sentence six of 42 U.S.C. § 405(g). A sentence four remand depends upon a finding of error, and is itself a final, appealable order. In contrast, a sentence six remand is for the purpose of receipt of new evidence, but does not determine whether the Commissioner's decision as rendered was correct. See, **Melkonyan v. Sullivan, 501 U.S. 89 (1991); Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan, 195 F.3d 975, 978 (7<sup>th</sup> Cir. 1999).**

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<sup>1</sup> This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 9.

Here, the parties stipulate that this case should be remanded pursuant to sentence four. In accordance with ***Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993)**, judgment will be entered in favor of plaintiff.

The Court notes that plaintiff applied for benefits over four years ago, and the ALJ issued her decision in May, 2012. (Tr. 11-15). Administrative remedies were not completed until June, 2013, when the Appeals Council denied review. (Tr. 1). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this matter on remand to the extent practicable.

For good cause shown, the parties' Joint Motion for Entry of Judgment with Remand Under Sentence Four of 42 U.S.C. §405 (**Doc. 29**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Ruth Walden's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: April 25, 2014.**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**UNITED STATES MAGISTRATE JUDGE**